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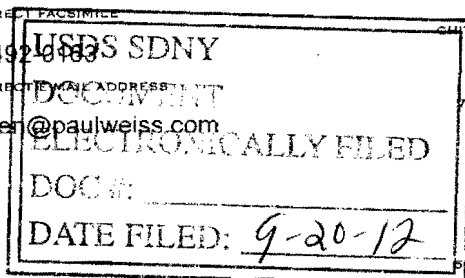
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September 19, 2012

The Honorable P. Kevin Castel  
United States District Court,  
Southern District of New York  
500 Pearl Street, Room 1312  
New York, New York 10007

MEMO ENDORSED

In re Bank of America Corp. Securities, Derivative, and ERISA Litigation,  
No. 09-MDL-2058 (PKC) (Consolidated Securities Action)

Dear Judge Castel:

In advance of the September 21, 2012 deadline for the parties to submit fully-briefed *in limine* and *Daubert* motions, we write jointly on behalf of all the parties to make the following requests:

First, for the *in limine* motions, the parties jointly request an extension of the 25-page limit on memoranda of law set by Paragraph 2.C of Your Honor's Individual Practices. Instead of serving and filing individual briefs in support of each of their motions *in limine*, Lead Plaintiffs and Defendants each served one omnibus brief covering all of their motions. In total, Lead Plaintiffs' omnibus brief addresses eighteen objections and Defendants' omnibus brief addresses fourteen. The parties respectfully request permission to file these omnibus briefs, each of which is approximately 80 pages (far shorter than the 25-page per motion limit under the Court's rules), as well as omnibus briefs in opposition to the motions *in limine*, which we expect to be of similar length (if not shorter, as the parties anticipate resolving several of these motions prior to submission to the Court).

\*NOT ADMITTED TO THE NEW YORK BAR

Application and  
schedule approved.  
SO ORDERED  
USDS  
9-19-12

PAUL, WEISS, RIFKIND, WHARTON &amp; GARRISON LLP

Hon. P. Kevin Castel

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*Second*, the parties jointly request an extension of that 25-page limit on memoranda of law for *Daubert* motions as well. Lead Plaintiffs consolidated their *Daubert* motions to exclude the testimony (in whole or in part) of three of Defendants' experts in a single omnibus brief of 46 pages. Defendants anticipate submitting an omnibus opposition of similar length. The parties jointly request permission to file these omnibus briefs.

*Third*, the parties' *in limine* submissions cite some information that Defendants regard as highly sensitive and confidential. Defendants request permission, with Lead Plaintiffs' consent, provisionally to file on the Court's Electronic Case Filing System, on September 21, versions of their *in limine* and *Daubert* submissions with a limited number of redactions of sensitive information that a party in good faith believes qualifies for redaction, with the submissions contemplated by this Court's May 19, 2010 Order to demonstrate that the redactions are appropriate to follow on October 5, 2012. This Court approved a similar procedure in *Cohen v. Gerson Lehrman Group, Inc.*, No. 09 Civ. 4352, 2011 WL 4336679, at \*1-2 (S.D.N.Y. Sept. 15, 2011) (Castel, J.).

*Finally*, the parties jointly request a two-week extension to file a fully briefed motion to exclude the testimony of Plaintiffs' expert, Stephen Choi, from September 21, 2012, to October 5, 2012. By agreement, the parties postponed the service of Defendants' motion to exclude Choi, which originally was due on August 31, 2012, while the parties attempted to negotiate a resolution about Defendants' objections to his testimony. As part of the meet and confer process, the parties agreed that, if the objections to Choi's testimony could not be resolved, Defendants would serve their motion on Lead Plaintiffs on September 14, 2012, which Defendants did. With the Court's permission, Defendants have agreed to allow Plaintiffs three weeks to serve their opposition papers, which would allow the parties to file the fully briefed motion about Choi on October 5.

The parties appreciate the Court's consideration of these requests.

Respectfully submitted,

Jay Cohen

cc: All Counsel (by email)